GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Special Rules for the Andhra Pradesh Roads and Buildings Engineering Service 1996- Amendment- Orders- Issued.

TRANSPORT, ROADS & BUILDINGS (S.II)DEPARTMENT

G.O.MS.No. 68 Dated: 21-12-2018
Read the following:

1. G.O.Ms.No.568, TR&B(Ser)Dept., Dt:27.12.1983.
2. G.O.Ms.No.103, TR&B(Ser)Dept., Dt:22.05.1996.
3. From the Hon'ble High Court Common orders, in W.P.No.21316/04 and 1438/05 , Dt:01.12.2014.
4. From the E-in-C(R&B)Admn., Lr.No.1792/Ser.II(1)/16, Dt: 30.04.2016.
5. Supreme Court of India orders in SLP.No11929-11930/2016, Dt:09.07.2018.
6. From the Advocate General, A.P., vide his Opinion No.64/2017, Dt:19.11.2018.
7. From the Secretary, APPSC, Vijayawada, Lr.No.848/R&R/2018, Dt:20.12.2018.

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ORDER:

In the reference 1st read above, Post Graduate preference to Assistant Executive Engineers in promotion to the post of Deputy Executive Engineer is provided ie., 9 th vacancy to Post Graduate Assistant Executive Engineers in 9 vacancies intended for appointment of Assistant Executive Engineers & Compressed Diploma Holders (D.C.Es).

2. In the reference 2nd read above, the said proviso of Post Graduate preference to Assistant Executive Engineers was deleted while issuing Special Rules for Andhra Pradesh R&B Engineering Service 1996.

3. On filing of certain W.P's by the aggrieved Post Graduate Assistant Executive Engineer holders, the Hon'ble High Court of Andhra Pradesh in its common orders, dated 01-12-2014 in WP Nos. 21316/04 and W.P.No. 1438 of 2005, ordered as follows:

> " Both Writ Petitions are allowed and to the extent of not providing 9 th vacancy to the Post Graduate holders from the feeder category by following the amended Rule in G.O.Ms.No. 568 TR&B(S.II) Department, Dated. 27.12.1983, is set aside and respondents are directed to implement the same to the all other eligible persons, in both the Writ Petitions."

4. In the reference 4th read above, the Engineer-in-Chief(R&B) Administration, has furnished the draft amendment proposal to Note-(1) under Rule-3 of G.O.Ms.No. 103, TR&B(Ser.II)Department, Dated 22-05-1996 (Method of appointment) as per the provisions of G.O.M. No.568 TR&B(S.II) Department, Dated 27-12-1983.

5 Subsequently, the matter was carried to Hon'ble Supreme Court of India by the Non-Post Graduate holders questioning the said orders of Hon'ble High Court of Andhra Pradesh in SLP No. 25903-25904/15 and obtained status quo orders on 02-12-2016. However, on filing of withdrawal petition by the petitioners concerned, it was disposed off by the Hon'ble Supreme Court India vide Civil Appeal No(s) 11929-11930/2016 Dated. 09.07.2018 as "withdrawn".

6. In the reference 6th read above, the Advocate General, Andhra Pradesh, has opined that since there is no existing seniority list for Deputy Executive Engineers and therefore the question of depriving someone of their accrued benefits does not arise, the department, if it wishes to do so may amend the Rule of G.O. Ms. No.103, TR&B(Ser.II)Department, Dated:22-5-1996 (Method of Appointment) as per the provisions of G.O. Ms. No.568, TR&B(S.II)Department, Dated:27-12-1983 retrospectively.

(P.T.O)

7. The Government after careful examination hereby decide to amend the Special Rules for Andhra Pradesh Roads & Buildings Engineering Service, 1996.

8. The Secretary, Andhra Pradesh Public Service Commission, Vijayawada in his letter 7th read above has conveyed the concurrence of the Commission for amending the service rules issued in G.O. 2nd read above for the said proposal.

9. The following Notification shall be published in the Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Andhra Pradesh, hereby makes the following amendment to the Special Rules for Andhra Pradesh Roads and Buildings Engineering Service, 1996 issued in G.O.Ms.No.103 TR&B(Ser.II)Department, Dated:22.05.1996 as subsequently amended from time to time.

This amendment shall be deemed to have been come into force with effect on and from 22-05-1996.

AMENDMENT

In the said rules, in Rule -3 (Method of Appointment and appointing authority) under Note-I after the words 24th vacancy : Assistant Engineer, the following words shall be inserted namely:-

"9th Vacancy in 9 vacancies intended for promotion of Assistant Executive Engineers as Deputy Executive Engineers shall however be earmarked for Post Graduate Assistant Executive Engineers."

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief(R&B)Administration, NH & CRF., Vijayawada, Andhra Pradesh.
The Commissioner of printing & Stationary(Gazette wing), Vijayawada
(with a request to publish in gazette and furnish (50) copies to Government)
Copy to:
The all Chief Engineers of Roads & Buildings Department.
The Law Department, A.P. Secretariat
The Secretary, Andhra Pradesh Public Service Commission, Vijayawada,
Andhra Pradesh.
The Accountant General, Enikapdu, Vijayawada, Andhra Pradesh.
The General Administration (Ser.E) Department., A.P Secretariat.
The O.S.D. to Hon'ble Minister(R&B), A.P. Secretariat.
The P.S to Spl.C.S, TR&B Dept., A.P. Secretariat.
Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER